

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

KELLY J. SINICO,	:	Civil No. 1:18-CV-01259
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
SALLY A. BARRY, <i>et al.</i> ,	:	
	:	
Defendants.	:	Judge Jennifer P. Wilson

**ORDER**

**AND NOW**, on this 3rd day of February, 2020, for the reasons stated in the accompanying memorandum, **IT IS ORDERED** as follows:

1. Defendants' motions to dismiss (Docs. 35, 36) are **GRANTED IN PART AND DENIED IN PART**.
2. Plaintiff's claims under the Rehabilitation Act and the Americans with Disabilities Act (Counts I, II, III, and VI) against individual Defendants Barry, Christner, Penberth, and Tylwalk are **DISMISSED WITH PREJUDICE**, except to the extent that Plaintiff seeks prospective injunctive relief from the individual Defendants in their official capacities.
3. Plaintiff's claims under the Americans With Disabilities Act and the Family and Medical Leave Act (Counts III, IV, V, and VI) against Defendant Commonwealth of Pennsylvania and against the individual Defendants in their official capacities are **DISMISSED WITH PREJUDICE**, except to

the extent that Plaintiff seeks prospective injunctive relief from the individual Defendants in their official capacities.

4. Plaintiff's claims under the Family and Medical Leave Act (Counts IV and V) against individual Defendants Barry, Christner, Penberth, and Tylwalk in their individual capacities are **DISMISSED WITHOUT PREJUDICE**.
5. The Defendants' motions to dismiss are denied in all other respects.
6. Plaintiff is granted leave of the court to file a fourth amended complaint consistent with this order on or before **March 4, 2020**.
7. If Plaintiff fails to file a fourth amended complaint by the above deadline, Defendants shall answer Plaintiff's third amended complaint in accordance with the Federal Rules of Civil Procedure.

s/Jennifer P. Wilson  
JENNIFER P. WILSON  
United States District Court Judge  
Middle District of Pennsylvania